

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2008-21

3 INTRODUCED BY:

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10 A RESOLUTION

11 DIRECTING THE CITY MANAGER TO DEVELOP A POLICY PERTAINING TO
12 CERTAIN FACILITIES WHICH ARE USED BY NON-CITY ORGANIZATIONS BUT
13 WHICH ARE OWNED, IN WHOLE OR IN PART, BY THE CITY OF SANTA FE.
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15 WHEREAS, the City of Santa Fe has allocated capital funds to construct, remodel, or
16 repair buildings and other facilities that are used and operated by non-city organizations; and

17 WHEREAS, the City of Santa Fe has served, and will continue to serve, as a fiscal agent
18 for state and federal capital funds for certain facilities that are used and operated by non-city
19 organizations; and

20 WHEREAS, in such cases, the City of Santa Fe may be designated as an owner, in
21 whole or in part, of such facilities; and

22 WHEREAS, the City of Santa Fe owns certain buildings and other facilities that are used
23 and operated by non-city organizations; and

24 WHEREAS, when the City of Santa Fe is designated as an owner of a building or
25 facility which is used and operated by a non-city organization, there are certain legal obligations

1 that may ensue, including (but not limited to) control, liability, operations, and maintenance; and

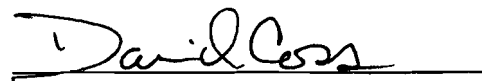
2 **WHEREAS**, in the past, agreements about the separate responsibilities of the City of
3 Santa Fe and the non-city organization using or operating a city-owned facility has been handled
4 on an ad hoc basis, in some cases, without even a written agreement; and

5 **WHEREAS**, this represents poor management and opens the city to potential legal and
6 fiscal liability.

7 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
8 **CITY OF SANTA FE** that the city manager is directed to:

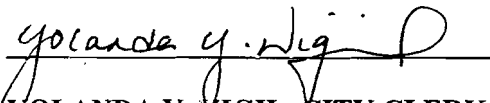
- 9 1. develop a clear policy on the issues of control, liability, operations and
10 maintenance of city-owned or city funded facilities that are operated by non-city
11 organizations; and
12 2. develop legal agreements with such non-city organizations that reflect such
13 policies; and
14 3. include clear direction to staff, within the policy, as to when in the development
15 process such legal agreements must be in place.

16 **PASSED, APPROVED and ADOPTED** this 27th day of February, 2008.

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19 **DAVID COSS, MAYOR**

20 **ATTEST:**

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23 **YOLANDA Y. VIGIL, CITY CLERK**

1 **APPROVED AS TO FORM:**

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4 **FRANK D. KATZ, CITY ATTORNEY**

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25 *Jp/ndrive/2008 res/operational funds for nongov*